

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Yolanda Allen

DEFENDANTS

Center Operating Company, L.P. and Colette Vallot

(b) County of Residence of First Listed Plaintiff Dallas

(EXCEPT IN U.S. PLAINTIFF CASES)
NORTH HERRING COUNTY COURT
NORTH HERRING COUNTY OF TEXAS

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)John E. Wall, Jr.
5728 Prospect Ave., Ste. 2001
Dallas, Texas 75206
214-887-0100**Attorneys (If Known)****8-02CV 1764P****II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input checked="" type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 22 Appeal 28 USC 158 <input type="checkbox"/> 23 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input checked="" type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input checked="" type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl Ret Inc Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input checked="" type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

(Cite the U.S. Civil Statute under which you are filing and write brief statement of cause.)

Do not cite jurisdictional statutes unless diversity.)

Title VII of the Civil Rights Act of 1969 as amended, 42 U.S.C. 2000e-5 as amended and 28 U.S.C. section 1331 Plaintiff was discriminated against by Defendant on the basis of race. Additionally, Plaintiff was assaulted by Defendant Vallot who was an employee of Defendant COC, L.P.

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ over 75,000 00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

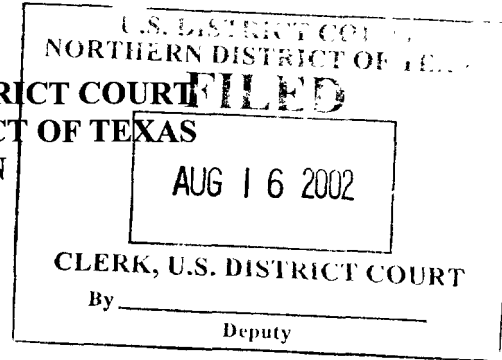
SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG JUDGE _____

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



YOLANDA ALLEN,

Plaintiff,

V.

CENTER OPERATING COMPANY, L.P.
and COLETTE VALLOT,

Defendants.

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CIVIL ACTION NO. _____

3-02CV 1764P

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Yolanda Allen, Plaintiff, complaining of Defendants, Center Operating Company, L.P. and Colette Vallot, and for cause of action would respectfully show unto the Court as follows:

I.

JURISDICTION AND VENUE

1. Plaintiff invokes this Court's jurisdiction pursuant to Title VII of the Civil Rights Act of 1969 as amended, 42 U.S.C. 2000e-5 as amended and 28 U.S.C. § 1331. This Court has jurisdiction over Plaintiff's remaining state law causes based on supplemental jurisdiction. 28 U.S.C. sec. 1367.

2. The unlawful employment practices and assault alleged below were committed within the State of Texas.

PLAINTIFF'S ORIGINAL COMPLAINT

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II.

PARTIES

3. Plaintiff is a female citizen of the United States and is a resident of the City of De Soto, the County of Dallas, the State of Texas. Plaintiff was employed by the Defendant, Center Operating Company, L.P. at its facility in Dallas County at all times relevant to the allegations set forth in this Complaint.

4. Defendant, Center Operating Company, L.P. is a domestic limited partnership authorized to do business in the State of Texas and may be served with process by serving its registered agent, to wit: Brad Mayne, 2500 Victory Ave., Dallas, TX 75219.

5. Defendant, Colette Vallot, is an individual and a resident of the City of Dallas, the County of Dallas, the State of Texas and may be served with process via private process at her last known place of residence, to wit: 12500 Merit, Dallas, Texas 75251.

III.

ADMINISTRATIVE PROCEDURES

6. Plaintiff timely filed a charge of employment discrimination against the Defendant Center Operating Company, L.P. with the Equal Employment Opportunity Commission on or about May 20, 2002. Plaintiff received a dismissal notice and "Notice of Right to Sue" concerning the charge by letter from the Equal Employment Opportunity Commission dated, May 20, 2002, entitling her to institute a civil action within 90 days of the date of the receipt of said notice.

IV.

DISCRIMINATION

7. On information and belief, the Defendant Center Operating Company followed a policy and practice of discrimination against Plaintiff because of her race (African American), in violation of 42 U.S.C. § 2000e *et seq.* The discriminatory practices and policies include, but are not limited to the following:

(a) Discriminating against Plaintiff in the terms, conditions and privileges of employment;

(b) Harassing Plaintiff; and

(c) Terminating Plaintiff's employment on or about May 16, 2002.

(d) retaliating against Plaintiff in violation of the act.

8. The effect of the policies and practices pursued by the Defendant Center Operating Company, L.P. as alleged above has limited, classified, discriminated against Plaintiff in ways which jeopardized her job and deprived her of employment opportunities and otherwise adversely affected her status as an employee because of her race, in violation of 42 U.S.C. § 2000e *et seq.*

9. As a further result of the Defendant Center Operating Company, L.P.'s actions, Plaintiff has been and is being deprived of income in the form of wages and prospective retirement benefits, and other benefits due to her as an employee solely because of her race in a sum to be proven at trial.

10. Plaintiff has no plain, adequate, or complete remedy at law to correct the practices

described herein, and this suit for injunctive relief is her only means for securing adequate relief. Plaintiff is now suffering and will continue to suffer irreparable injury from the Defendant Center Operating Company, L.P.'s policies, practices, customs and usage set forth herein.

11. Plaintiff was earning approximately \$40,000 per year prior to termination. Thus, Plaintiff is entitled to recover the earnings and benefits lost in the past from the date of termination up until the present.

12. Plaintiff was approximately 43 years of age when the Defendant Center Operating Company, L.P. terminated her employment, and had a work-life expectancy of approximately 22 years. Thus, Plaintiff is entitled to recover the earnings and benefits that in reasonable probability will be lost in the future.

13. Defendant Center Operating Company, L.P.'s conduct toward Plaintiff caused emotional pain and suffering, mental anguish and/or other nonpecuniary losses, for which Plaintiff seeks compensatory damages.

14. Plaintiff's harm was a result of the Defendant Center Operating Company, L.P.'s malice or reckless indifference to Plaintiff's protected rights, thus Plaintiff seeks exemplary damages.

V.

ASSAULT AND RATIFICATION

15. Plaintiff would also show she was assaulted by Defendant, Colette Vallot as that term is understood in the law and said assault was done knowingly and intentionally. Plaintiff was assaulted when Defendant Colette Vallot pushed her and grabbed her while both were at

work for Defendant Center Operating Company, L.P. Plaintiff found this contact to be offensive and suffered injuries including physical pain and mental anguish as a result of this assault.

16. Plaintiff would further show that the Defendant Center Operating Company, L.P. has ratified the Defendant Colette Vallot's assault and that the assault was committed in the course and the scope of the Defendant, Colette Vallot's employment with Defendant, Center Operating Company, L.P. The Defendant, Center Operating Company, L.P. is liable for the injuries and damages described above and suffered by the Plaintiff and inflicted on the Plaintiff by reason of the doctrines of respondeat superior and ratification of Colette Vallot's commission of an intentional tort.

VI.

17. The amount of damages which Plaintiff seeks herein exceeds the jurisdictional minimum of this Court.

VII.

PRAYER

WHEREFORE, Plaintiff respectfully requests this Court to:

- (1) Grant Plaintiff a permanent injunction enjoining the Defendant, Center Operating Company, L.P., its officers, agents, successors, employees, attorneys, and assigns and other representatives, and all those persons acting in concert with them and at their discretion, from engaging in any employment policy or practice which discriminates against Plaintiff on the basis of race;
- (2) Order the Defendant, Center Operating Company, L.P. to make Plaintiff whole by

providing appropriate back pay and reimbursement for lost benefits in an amount to be shown at trial as well as all other damages to which Plaintiff is entitled;

- (3) Order the Defendant, Center Operating Company, L.P. to provide Plaintiff with lost earnings and employee benefits that in reasonable probability will be lost in the future;
- (4) Order the Defendants, Center Operating Company, L.P. and Colette Vallot to provide Plaintiff with compensation for physical pain and mental anguish, emotional pain and suffering, inconvenience, loss of enjoyment of life, and other nonpecuniary losses;
- (5) Order the Defendants Center Operating Company, L.P. and Colette Vallot to pay actual damages, compensatory and exemplary damages;
- (6) Order the Defendants Center Operating Company, L.P. and Colette Vallot to be taxed with the cost of this action, including reasonable attorney's fees;
- (7) Retain jurisdiction over this action to secure compliance with the orders of this Court and with 42 U.S.C. § 2000e, and require the Defendant Center Operating Company, L.P. to file such reports at the Court may deem necessary to evaluate such compliance; and
- (8) Grant such additional relief as to the Court may seem just and proper.

Respectfully submitted,

LAW OFFICES OF JOHN E. WALL, JR.

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Laura Eardley Calhoun

State Bar No. 06342400

Connie A. Pena

State Bar No. 24034621

Attorneys for Plaintiff

JURY REQUEST

Plaintiff respectfully requests a jury trial.

PLAINTIFF'S CERTIFICATE OF INTERESTED PERSONS

COMES NOW, Plaintiff Yolanda Allen and files this her Certificate of Interested Persons pursuant to Local Rule 3.1(f). The following persons and entities have a financial interest in the outcome of the case:

Yolanda Allen
528 Newcastle
De Soto, TX 75115

Center Operating Company, L.P.
2500 Victory Avenue
Dallas, TX 75219

Colette Vallot
12500 Merit
Dallas, TX 75251

John E. Wall, Jr.
Law Offices of John E. Wall, Jr.
5728 Prospect Avenue, Suite 2001
Dallas, Texas 75206-7284



John E. Wall, Jr.